

Application No. 10/681,386

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Docket No.: 606928008US1

REMARKS

Applicants and the undersigned thank Examiner Golden for the courtesies extended to the undersigned during the interview of October 30, 2006. The remarks below reflect what was discussed at the interview. If the Examiner believes that any additional information regarding the interview is necessary, please let the undersigned attorney know.

The title of the invention was objected to as not descriptive. Applicants have amended the title as suggested by the Examiner.

Claims 1-4, 7, 8, 10 and 14-17 are rejected under 35 U.S.C. §102(e) as anticipated by Welsh. Claims 1-4, 7, 8, 10 and 17 are rejected under 35 U.S.C. §102(b) as anticipated by Dunphy. Claims 5 and 6 are rejected under 35 U.S.C. §103(a) as unpatentable over Welsh in view of De Meno, and as unpatentable over Dunphy in view of De Meno. Claim 9 is rejected under 35 U.S.C. §103(a) as unpatentable over Welsh in view of Midgely, and as unpatentable over Dunphy in view of Midgely. These rejections are respectfully traversed in light of the amendments to the claims.

Applicants have amended independent claims 1, 10, 14, 16 and 17 to describe, among other limitations, that a snapshot is taken "in accordance with a predefined policy, the policy comprising one or more parameters for creating a quick recovery volume." Applicants have also amended independent claims 1, 10, 14, 16 and 17 to describe that the "snapshot of the primary volume comprises at least one file that has not been modified since the creation of a previous snapshot of the primary volume." Support for these amendments is found at least at paragraphs 33-35, and 38 of the application. As was agreed to in the interview, these features are not shown by either Welsh or Dunphy.

Welsh is directed to taking a snapshot in response to a user command. There is no disclosure in Welsh of taking snapshots according to a predefined policy comprising one or more parameters for creating a quick recovery volume. Dunphy is directed to a file-based monitoring system for tracking modified files so that they can be easily restored by, for example, an undelete

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function. There is no disclosure in Dunphy of a snapshot that can comprise a file that has not been modified. Applicants respectfully request withdrawal of the rejections of claims 1, 10, 14, 16 and 17 and claims dependent therefrom.

Claims 11-12 are rejected under 35 U.S.C. §103(a) as unpatentable over Nguyen in view of Welsh, and as unpatentable over Nguyen in view of Dunphy. Claim 13 is rejected under 35 U.S.C. §103(a) as unpatentable over Nguyen in view of Welsh and further in view of LeCrone, and as unpatentable over Nguyen in view of Dunphy and further in view of LeCrone. These rejections are respectfully traversed in light of the amendments to the claims.

Applicants have amended independent claim 11 to recite that the recovery volume comprises a plurality of snapshots of the primary volume. Support for this amendment is found at least at paragraph 35 of the application. As was agreed to in the interview, these features are not shown by Nguyen alone or in combination. Nguyen is directed to a drive mirror system (such as a RAID 1 configuration) in which a hardware address for an identical mirror image of a disk is substituted for a failed device. There is no disclosure in Nguyen of a recovery volume that includes a plurality of snapshots. Applicants respectfully request withdrawal of the rejections of claim 11 and claims dependent therefrom.

As discussed in the interview, new dependent claims 17-20 have been added to recite policy parameters for creating a quick recovery volume. Support for these new claims is found at least at paragraph 35 of the application.

No new matter has been added by this Amendment and an early action allowing claims 1-20 is solicited. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

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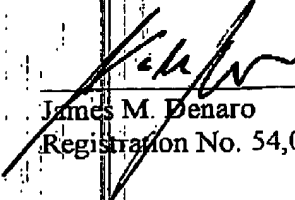
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In the event that the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees in connection with the filing of this document to Deposit Account No. 50-0665 referencing docket no. 606928008US1.

Respectfully submitted,
Perkins Coie LLP

Date: 10-31-06


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